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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,788	03/26/2004	Tsvetclina Todorova	6570P067	5219
45062	7590	09/17/2007	EXAMINER	
SAP/BLAKELY			ORR, HENRY W	
1279 OAKMEAD PARKWAY			ART UNIT	PAPER NUMBER
SUNNYVALE, CA 94085-4040			2176	:
			MAIL DATE	DELIVERY MODE
			09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/813,788	Applicant(s) TODOROVA ET AL.	
	Examiner Henry Orr	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Doug Hutton/
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Rejections under 35 U.S.C. 101:

Applicant argues that the statutory structures and equivalents of a means for displaying a hierarchical tree structure in a GUI are expressly, implicitly and/or inherently set forth in the specification at least by the description of the monitor viewer 1750 of Figure 17, the description of FIGS. 11-16, and paragraphs [0059], [0075], [0088] and [0099]. Accordingly, the means for displaying a hierarchical tree structure in a GUI recited in claim 21 is directed to a process, machine, a manufacture or a composition of matter that satisfies the requirements of 35 U.S.C. 101. (see Response Page-13 1st full paragraph)

Examiner disagrees.

The present specification recites "Monitor viewer 1750 may be executable content" (see spec. par. 99). Examiner interprets the executable content to be merely software. Therefore, the means for displaying as recited in claim 21 is interpreted to be merely software from the specification and is not a process, a machine, a manufacture, or a composition of matter.

Rejections under 35 U.S.C. 103(a):

Applicant argues Hanchett does not teach or suggest that the end nodes represent a resource of an application server because the end node does not itself represent the application (see Response Page 14-15).

Examiner disagrees.

Hanchett teaches "The management console 106 may alternatively or additionally enable the network administrator to select a node such as an end node and display applications under management for the selected node" (see col. 4 lines 32-41). Therefore, the selected node is representing a resource because when the node is selected, applications under management are displayed corresponding to the selected node. The displayed applications serve as resources to a directory server ("database application server"). Thus, selecting a node to display applications under management for the selected node does anticipate a tree node representing a resource of an application server.

If Applicant disagrees with Examiner rationale, Examiner suggest to Applicant to further explain what is meant by "representing a resource" as recited in the independent claims.

Continuation of 13. Other: Applicant proposed amendment would overcome objection previously set forth in action dated 7/2/2007.